

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 2:17-cr-125  
CHIEF JUDGE EDMUND A. SARGUS, JR.

CHERYL MCGRATH,

Defendant.

**OPINION AND ORDER**

This matter is before the Court on Defendant Cheryl McGrath's Motion for Release Pending Appeal (ECF No. 34).

Before releasing a defendant pending appeal, the district court must make two findings. It must find (1) by clear and convincing evidence that the defendant is not likely to flee or pose a danger to the safety of any other person or the community if released and (2) that the appeal is not for the purpose of delay and raises a substantial question of law or fact likely to result in reversal, an order for a new trial, a sentence that does not include a term of imprisonment, or a reduced sentence to a term of imprisonment less than the total of the time already served plus the expected duration of the appeal process. 18 U.S.C. § 3143(b); *United States v. Chilingirian*, 280 F.3d 704, 709 (6th Cir. 2002).

On December 21, 2017, the Court held a hearing on Defendant's Motion to Withdraw Guilty Plea. For the same reasons, stated on the record, that the Court denied Defendant's Motion to Withdraw, the Court concludes that Defendant's appeal of that denial does not raise a substantial question of law. Consequently, the Court **DENIES** Defendant's Motion for Release Pending Appeal (ECF No. 34).

**IT IS SO ORDERED.**

DATE

5-25-2018

  
**EDMUND A. SARGUS, JR.**  
CHIEF UNITED STATES DISTRICT JUDGE